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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
POUS, NATALIE R	
ART UNIT	PAPER NUMBER
3731	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/783,717	BAKER ET AL.	
	Examiner	Art Unit	
	Natalie Pous	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-99* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *28,41-43,77 and 84-94* is/are allowed.

6)☒ Claim(s) *1-27,29-40,44-76,78-85 and 95-98* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date ~~1/17/07~~ 6/24/05,9/27/04,7/15/04,~~12/12/06~~.
1/16/07 12/26/06

DETAILED ACTION

Response to Arguments

Regarding the 35 USC § 112 Claim Rejections

Examiner acknowledges amendment to claim 45 to overcome the 35 USC 112 rejection. Thus the 35 USC 112 rejection of claim 45 is withdrawn.

Regarding Hart

Applicant's arguments filed 1/7/07 have been fully considered but they are not persuasive.

Applicant argues that Hart fails to teach a fastener having a connecting member fixed to each one of the first and second members intermediate the first and second ends and extending between the first and second members and the first and second members being separated by the connecting member as defined in claims 1 and 47. examiner respectfully disagrees. As seen in figure 4, although second member is slidable along the connecting member, it can not move off the connecting member, and is thus fixed to the connecting member. Thus, examiner sustains that Hart teaches this limitation.

Applicant argues that the Hart fails to teach wherein the first and second members are separated by the connecting member. Examiner respectfully disagrees. In order for a prior art reference to anticipate a claim, it must be capable of meeting the limitations as set forth by the claims. In the instant case, as seen in figure 4, the device connector member is capable of separating the first and second members. Thus, examiner sustains that hart teaches this limitation.

Examiner sustains the previous 102(b) rejections with respect to Hart.

Regarding Frazier

Applicant argues that the device of Frazier does not teach the structure as defined by claims 1 and 47. Examiner respectfully disagrees. As described in the previous office action, Frazier teaches a first member (130); a second member (132), the first and second members having first and second ends; and a connecting member (92) fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members (fig. 18), the first and second members being separated by the connecting member, and one of the first and second members having a longitudinal axis, a through channel (134) along the axis arranged to be slidingly received on a tissue piercing deployment wire (96). Thus, Frazier may be reasonably applied to the claim language.

Applicant argues that Frazier fails to teach wherein the first and second members have a longitudinal axis and a through channel along the axis arranged to be slidingly received on a tissue piercing deployment wire. As seen in figures 18-20 of Frazier, first (130) and second (132) members comprise a longitudinal axis and through channel arranged on tissue piercing deployment wire (96). Thus, examiner sustains the previous rejections with respect to Frazier.

Upon further consideration, claims 28 and 77 are rejected with respect to Frazier, see below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 14, 47, 48, 50-54, 63-67 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart (US 5626614).

Regarding Claim 1, Hart teaches a fastener for use in a mammalian body, comprising: a first member (12); a second member (16), the first and second members having first and second ends; and a connecting member (14) fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members, the first and second members being separated by the connecting member (fig. 4), and one of the first and second members (12) having a longitudinal axis, a through channel (83) along the axis arranged to be slidingly received on a tissue piercing deployment wire (54), and an elongated slot (103) communicating with the through channel and dimensioned to receive the tissue piercing deployment wire (fig. 7).

Regarding Claim 2, Hart teaches the fastener of claim 1 wherein one end of the one of the first and second members (12) further includes a pointed tip (101).

Regarding Claim 3, Hart teaches the fastener of claim 2 wherein the connecting member (14) is flexible permitting another one of the first and second members to be next to the one of the first and second members when the one of the first and second members is on the tissue piercing deployment wire.

Regarding Claim 4, Hart teaches the fastener of claim 2 wherein the pointed tip is conical (101).

Regarding Claim 5, Hart teaches the fastener of claim 2 wherein the pointed tip comprises a sectioned portion (101).

Regarding Claim 6, Hart teaches the fastener of claim 2 wherein the pointed tip (101) is a dilation tip.

Regarding Claim 7, Hart teaches the fastener of claim 1 wherein the through channel comprises a through bore (83).

Regarding Claim 14, Hart teaches the fastener of claim 1 wherein the length of the connecting member (14) between the first and second members is adjustable.

Regarding Claim 47, Hart teaches a fastener assembly for use in a mammalian body, comprising: a fastener including a first member (12), a second member (16), wherein the first and second members have first and second ends, and a connecting member (14) fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members, wherein the first and second members are separated by the connecting member (fig. 4), and wherein one of the first and second members has a longitudinal axis, a through channel (83) along the axis, and an elongated slot (103) communicating with the through channel; a deployment wire (54) arranged to be slidingly received by the through channel of the one of the first and second members (fig. 9) and to pierce into the tissue (fig. 1) and arranged to be received by the elongated slot (103) during retraction of the deployment wire to enable early deployment of the one of the first and second members and

reduced tissue compression; and a pusher (65) that pushes the one of first and second members into the tissue while on the deployment wire (fig. 2).

Regarding Claim 48, Hart teaches the assembly of claim 47 wherein the pusher (65) is also arranged to be slidingly received on the deployment wire (54).

Regarding Claim 50, Hart teaches the assembly of claim 47 wherein the first and second members (12, 16) are arranged to be side by side when the one of the first and second members is slidingly received on the deployment wire (it is noted that the two members are capable of being arranged side by side at any time).

Regarding Claim 51, Hart teaches the assembly of claim 47 wherein one end of the one of the first and second members (12) of the fastener further includes a pointed tip (101).

Regarding Claim 52, Hart teaches the assembly of claim 51 wherein the pointed tip comprises a truncated cone (101).

Regarding Claim 53, Hart teaches the fastener of claim 51 wherein the pointed tip comprises a sectioned portion (101).

Regarding Claim 54, Hart teaches the assembly of claim 47 wherein the through channel of the fastener comprises a through bore.

Regarding Claim 63, Hart teaches the assembly of claim 47 wherein the first member (12), the second member (16), and the connecting member (14) of the fastener comprises separate pieces.

Regarding Claim 64, Hart teaches the assembly of claim 47 wherein one end of the one of the first and second members (12) of the fastener further includes a dilation tip (101).

Regarding Claim 65, Hart teaches the assembly of claim 64 wherein the dilation tip is a pointed tip (101).

Regarding Claim 66, Hart teaches the assembly of claim 65 wherein the pointed tip of the fastener is conical (101).

Regarding Claim 67, Hart teaches the assembly of claim 47 wherein the through channel of the fastener comprises a through bore (83).

Regarding Claim 76, Hart teaches the assembly of claim 47 wherein the connecting member (14) of the fastener has a vertical dimension and a horizontal dimension transverse to the vertical dimension, and wherein the horizontal dimension is substantially less than the vertical dimension rendering the connecting member readily bendable in a horizontal plane.

Claims 1, 8, 11, 12, 16, 17, 21, 32-38, 47, 55, 58, 59, 60, 68, 78-84, 89, 90 are rejected under 35 U.S.C. 102(b) as being anticipated by Frazier et al. (US 6419669). Regarding Claims 1 and 47, Frazier teaches a fastener for use in a mammalian body, comprising: a first member (130); a second member (132), the first and second members having first and second ends; and a connecting member (92) fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members (fig. 18), the first and second members being separated by the connecting member, and one of the first and second members having

a longitudinal axis, a through channel (134) along the axis arranged to be slidingly received on a tissue piercing deployment wire (96).

Regarding Claims 8, 21, 55 and 68, Frazier teaches the fastener of claims 1, 16, 17 and 47 wherein both the first and second members include a longitudinal axis and a through channel along each respective axis (fig. 18).

Regarding Claim 11 and 58, Frazier teaches he fastener of claims 8 and 55 wherein the through channels are through bores.

Regarding Claims 12 and 59, Frazier teaches he fastener of claims 8 and 55 wherein the through channels are arranged to be slidingly received by the tissue piercing deployment wire (fig. 19) and wherein the connecting member is flexible permitting the first and second members to be in line with each other on the tissue piercing deployment wire (it is noted that the connecting member meets the limitation allowing the first and second members to be in line with each other on the deployment wire as seen in figure 19, and as such in this case are considered flexible).

Regarding Claim 16, Frazier teaches the fastener of claim 1, wherein the first member, the second member and the connecting member all formed of plastic material (Column 15, proximal lines 55-60)

Regarding Claims 17, 32 and 78, Frazier teaches the fastener of claims 1, 16 and 47 wherein the first member, the second member, and the connecting member are integrally formed from a same tubular member stock (Column 15, proximal lines 55-60).

Regarding Claims 33 and 79, Frazier teaches the fastener of claims 32 and 78 wherein both the first and second members include a through channel for being slidingly received in line on the tissue piercing deployment wire (fig. 19).

Regarding Claims 34 and 80, Frazier teaches the fastener of claims 32 and 47 wherein the fastener is formed of metal (Column 15, proximal lines 55-60).

Regarding Claim 35, Frazier teaches the fastener of claim 33 wherein the fastener is formed of a shape memory material (Column 15, proximal lines 55-60) and wherein the first and second members are self-deployable.

Regarding Claim 36, Frazier teaches the fastener of claim 35 wherein the fastener is formed of nitinol (Column 15, proximal lines 55-60).

Regarding Claims 37 and 83, Frazier teaches the fastener of claims 33 and 79 wherein at least one of the first and second members is self-deployable while on the tissue piercing deployment wire (Column 15, proximal lines 55-60).

Regarding Claims 38 and 84, Frazier teaches the fastener of claims 33 and 79 wherein at least one of the first and second members is self-deployable upon removal from the tissue piercing deployment wire (Column 15, proximal lines 55-60).

Regarding claims 44-46, 81-82, 89 and 90, Frazier teaches he fastener of claim 1 and 47 wherein the fastener is formed of a self deployable shape metal memory material such as nitinol (Column 15, proximal lines 55-60).

Regarding Claim 60, Frazier teaches the assembly of claim 59 further comprising a guide tube (52) extending over the deployment wire and the fastener.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16-20, 27, 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Sgro et al. (US 20050004575).

Hart teaches all elements of preceding dependent claims 1 and 47, and further teaches the following as described previously:

- one end of the one of the first and second members further includes a pointed tip.
- wherein the pointed tip comprises a truncated cone.
- wherein the through channel comprises a through bore.
- wherein the connecting member has a vertical dimension and a horizontal dimension transverse to the vertical dimension, and wherein the horizontal

dimension is substantially less than the vertical dimension rendering the connecting member readily bendable in a horizontal plane.

but fails to teach wherein the first member, the second member, and the connecting member are all formed of plastic material, and the second member, and the connecting member are all formed in one piece. Sgro teaches a fastener wherein the device is formed of a single molded plastic, which aids in reducing cost of manufacture and ease of manufacture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hart with a single molded piece of plastic as taught by Sgro in order to reduce cost of manufacture and ease of manufacture.

Claims 15, 24, 49 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart or the combination of Hart and Sgro and further in view of Makower et al. (US 6491707). Hart and the combination of Hart and Sgro teach all elements of preceding dependent claims 1, 16 and 47, and further teaches wherein the fastening members are formed of plastic (Hart, Column 6, proximate lines 42-46), but fails to specify a material for the connector member and a guide tube extending over the deployment wire and the fastener, the other one of the first and second members being disposed next to the one of the first and second members within the guide tube.

Regarding the connector material, Makower teaches a fastener wherein the connector member is formed of elastic plastic in order to pull or draw the first and second members inwardly toward a common central point or location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the device of Hart or the combination of Hart and Sgro with an elastic plastic material for the connector member in order to pull or draw the first and second members inwardly toward a common central point or location.

Regarding the guide tube, Makower teaches a guide tube (26) extending over the deployment wire and the fastener, the other one of the first and second members being disposed next to the one of the first and second members within the guide tube (Column 10, proximate lines 33-48) in order to aid in using the device for intraluminal applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hart or the combination of Hart and Sgro with the guide tube of Makower in order to aid in using the device for intraluminal applications.

Claims 25, 30, 31 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart the combination of Hart and Makower, and the combination of Hart, Sgro and Makower and further as a matter of design choice. Hart, the combination of Hart and Makower and the combination of Hart, Sgro and Makower teach all limitations of preceding depedent claims 1, 16 and 47 as previously described, but fail to teach wherein the connecting member is formed of a plastic, permanently deformable material, and wherein the two members are formed of different textured materials. It would have been an obvious matter of design choice to modify Hart, the combination of Hart and Makower, and the combination of Hart, Sgro and Makower with a plastic connector of, permanently deformable material and the fastening members of different textured materials, since applicant has not disclosed that such a material

provides any advantage over an elastic material, and it appears that Hart, the combination of Hart and Makower, and the combination of Hart, Sgro and Makower perform the task of fastening tissue equally well as that of the application.

Claims 26 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hart and Sgro as applied to claims 1, 16, 47 and 61 above, and further in view of Suzuki et al. (US 20030216613).

Hart and the combination of Hart and Sgro teach all limitations of preceding dependent claims 1, 16, 47 and 61 but fail to teach device includes a color pigment contrasting with body tissue color to enable visualization of the fastener with an endoscope. Suzuki teaches a surgical implant wherein the device has a color which can be recognized in an endoscopic image in the body cavity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hart and the combination of Hart and Sgro as taught by Suzuki in order to recognize the device in an endoscopic image in the body cavity.

Claims 9, 22, 56, 10, 23, 57, 69 and 70 rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier in view of Hart and further as a matter of design choice. Frazier teaches all limitations of preceding dependent claims 1, 8, 16, 17, 47 and 68, but fails to teach wherein one end of both the first and second members include pointed dilation tips in opposite directions. Hart teaches a device wherein one of the members includes a pointed tip for aiding in advancing the device through tissue. It would have been an obvious matter of design choice to provide the device of Frazier with both the first and second members including pointed tips in opposite directions since applicant

has not stated that such a configuration provides any advantage and it appears that the combination of Hart and Frazier performs the task of advancing the device through tissue equally well as that of the application, and further it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8. .

Claims 29 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart as a matter of design choice. Hart teaches all limitations of preceding dependent claims 1 and 47, but fails to teach a plurality of connecting members extending between the first and second members, and wherein a plurality of the fasteners slidingly received on the deployment wire. It would have been an obvious matter of design choice to provide Hart with plural connecting members and fasteners on the deployment wire since applicant has not stated that providing more than one connector provides any advantage, and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Claims 72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hart and Makower, and further as a matter of design choice. The combination of Hart and Makower teaches all limitations of preceding dependent claims 47, 71 and 73 as previously described, but fails to teach wherein the connecting member of the fastener is formed of one of polyurethane, themoplastic elastomer, polyethylene and polypropylene. It would have been an obvious matter of design choice to denote the material as one of the above listed since applicant has not stated

that these materials provide any advantage over another plastic elastic material and it appears that the combination of Hart and Makower performs the task of providing an elastic connection member equally well as that of the application, and further it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claims 95-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Makower, and further as a matter of design choice. Hart teaches all limitations of preceding dependent claim 47, but fails to teach the following:

- a guide tube extending over the deployment wire and fastener and wherein the guide tube includes a distal notch permitting a proximal one of the first and second members to deploy before the guide tube proximally clears the proximal member.
- wherein the proximal one of the first and second members is deployable while on the deployment wire
- wherein the deployment wire includes a bent tip

Makower teaches a tissue fastening device wherein a guide tube (28) extends over the deployment wire having a bent tip (32, fig. 10) and fastener (28) and wherein the guide tube includes a distal notch (28b) and wherein the proximal one of the first and second members is deployable while on the deployment wire (fig. 10), in order to aid in placement of the device and to allow a proximal one of the first and second members to deploy before the guide completely releases the fastener. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify the device of Hart as taught by Makower in order to aid in placement of the fastener and allow a proximal one of the first and second members to deploy before the guide completely releases the fastener.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Cragg (US 6315789). Hart teaches all limitations of preceding dependent claim 1, but fails to teach wherein the fastener is at least partially radio opaque. Cragg teaches a medical fastener wherein the fastener is at least partially radio opaque in order to be able to view the device using medical imaging techniques to determine the device has been placed at the proper location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hart with a radiopaque material as taught by Cragg in order to be able to view the device using medical imaging techniques to determine the device has been placed at the proper location.

Claims 39, 40, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier as a matter of design choice. Frazier teaches all limitations of preceding dependent claims 1, 32, 33, 38, 47, 78, 79 and 84, but fails to teach a crimp on one of the members. Frazier does teach wherein the device is slidably retained on the deployment wire. It would have been obvious to one of ordinary skill in the art to provide a crimp in the device since it is well known that adding an area of decreased cross sectional area will provide a tighter fit on a deployment wire.

Allowable Subject Matter

Claims 28, 41-43, 77 and 86-94 are allowed. The following is a statement of reasons for the indication of allowable subject matter: the prior art alone or in combination fails to teach a fastener member wherein the connecting member comprises a strip of the tubular member formed by a pair of longitudinal substantially parallel, substantially coextensive cuts within the tubular member and the first and second members are formed by a substantially transverse circumferential cut between the substantially parallel coextensive cuts, or wherein at least one of the first and second members includes a plurality of longitudinally spaced vertical slots.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie Pous whose telephone number is (571) 272-6140. The examiner can normally be reached on Monday-Friday 8:00am-5:30pm, off every 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NRP
3/12/07

ANHTUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER
3/19/07